



The State of Texas
House of Representatives
Committee on Public Education

IB #14791
mBJ

Ernestine V. Glossbrenner • Chair

RQ-314

January 17, 1992

The Honorable Dan Morales
Office of the Attorney General
Post Office Box 12548
Austin, Texas 78711

JAN 28 92

Re: Requirement that School Districts
Comply with Budget Requirements

Dear General Morales:

During the 72nd Regular Session the Legislature passed HB 853, which placed new requirements on the application of pesticides. The Structural Pest Control Board (SPCB), in the January 3 and 7 issues of the Texas Register, adopted rules (TAC Title 22, Chapters 593 and 595) to implement this legislation. As of February 1, 1992, a school may obtain pest control services only through a contract with a business licensed by the SPCB or an employee licensed by the SPCB as a certified noncommercial applicator. Currently, some school districts have contracts with licensed businesses. Other districts have their own employees provide pest control services.

For all practical purposes, the rules adopted by the SPCB force school districts to contract with a pest control company for even the simplest pest control services for the immediate future. To qualify for the noncommercial applicator certification exam, an individual must have: 1) a college degree in biological sciences; 2) a notarized statement showing technical field experience of at least one year acquired within the last two years; or, 3) complete a SPCB approved certified noncommercial applicator training course. Since few of the district employees who would apply pesticides have the commensurate educational level, they would have to complete a training course. To date, no training course has been submitted to the SPCB for approval.

School districts are already under tight fiscal constraints, and the February 1 effective date falls in the second half of the budgetary year with little in the way of auxiliary funds available. Section 4.03 (d) of the Education Code states:

P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • ROOM 212 REAGAN BUILDING • PHONE 512-463-0804

GREGORY LUNA, VICE CHAIR	PAUL COLBERT, CHAIR FOR BUDGET & OVERSIGHT		
BILL ARNOLD	HUGO BERLANGA	ELDON EDGE	KENT GRUSENDORF
BILL HAMMOND	ALAN SCHOOLCRAFT		
ANN CAREY COSTILOW, CHIEF CLERK			

Each and any trustee of an independent school district who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary amended budget shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$25 nor more than \$100.

Since many school districts had no opportunity to appropriately budget for the current school year for additional expenses associated with contracting for pest control services or providing training for their employees, do the constraints authorized by section 4.03 (d) of the Education Code override the requirements placed by the SPCB's implementation of HB 853?

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "Ernestine V. Glossbrenner", written in a cursive style.

Ernestine V. Glossbrenner

cc:

Senator Carl Parker
Commissioner Lionel Meno, Texas Education Agency
Ms. Sonia Hernandez, Governor's Office
Members of the Public Education Committee
Texas Association of School Administrators
Texas Association of School Boards
Texas Association of School Business Officials